IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 14309 of 1999

Between:

The Divisional Secretary, A.P.S.R.T.C.National Mazdoor Union Rep. by T.Nawab John,N.M.U.Secretary (APSRTC) Kuppam, Chittoor District. Tirupathi, Chittoor District,

..... PETITIONER

AND

1 The Principal Secretary to Government, Womens Development Child Welfare & Labour (LAB-I) Dept.A.P. Secretariat, Hyderabad.
2 Andhra Pradesh State Road Transport Corporation, Rep. by its Regional Manager, Tirupathi, Chittoor District. (Respondent 2 not necessary.)

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of certiorari or any other appropriate writ order or direction calling for the records relating to Lr.No: 2148/Lab-I/A2/94 dt. 17th August, 1994 on the file of the 1st respondent herein and quash the same with a consequential direction to the 1st respondent to refer the dispute of the petitioner to Labour Court for adjudication forthwith and pass such other orders as this Hon'ble Court deems fit.

Counsel for the Petitioner:MR.P.GOVINDARAJULU

Counsel for the Respondent No.1 :G.P.FOR CHILD & WOMEN WELFARE.

The Court made the following :

ORDER:

This writ petition is filed challenging the letter No. 2148/Lab-I/A2/94 dated 17th August,1994 on the file of the 1st respondent and to quash the same as arbitrary and illegal and consequently to direct the 1st respondent to refer the dispute to the Labour Court for adjudication.

It is the case of the petitioner that P.A. Basha was appointed as a Conductor on 18-10-1975 in APSRTC. While working as a Conductor, he was removed from service by order dated 21-12-1988 for absenteeism. Aggrieved by the same, he filed an appeal and the same was rejected. Thereafter, he filed review petition and the review authority allowed the review petition and modified the punishment to that of denial of continuity of service and back wages. In the result, he was reinstated into service. Three years thereafter, the Union seems to have raised a dispute before the conciliation authority. The conciliation authority on failure of the conciliation, reported the matter to the Principal Secretary to Government, Women's Development Child Welfare & Labour(LAB-I) Development, A.P.Secretariat, Hyderabad. Thereafter, the Principal Secretary to Government in his letter stated that dispute raised by the workmen does not merit reference for adjudication, as the appeal is disposed of in accordance with APSRTC Employees Rules and was also twice terminated for his unauthorized long absence and reinstated. This order was

passed on 17th August, 1994. The present writ petition is filed on 2-2-1999 seeking to challenge the said letter rejecting to refer the matter to the labour court for adjudication. At every stage, the petitioner committed lapse in approaching the authorities concerned i.e. raising the dispute before the conciliation authority after three years and that even though referring the matter to the labour court was rejected on 17-8-1994, he kept quiet for more than five years and thereafter he filed this writ petition. I am of the considered opinion that this is only a speculative litigation and suffers from irretrievable laches and there is no explanation offered by the petitioner for the long delay of five years caused in approaching this Court. The writ petition is devoid of merit and is liable to be dismissed.

The Writ Petition is, accordingly, dismissed. No order as to costs.

C.V.RAMULU,J

13-06-2005

Stp

To

1 The Principal Secretary to Government, Womens Development Child Welfare & Labour (LAB-I) Dept.A.P. Secretariat, Hyderabad.
2 The Regional Manager, Andhra Pradesh State Road Transport Corporation, Tirupathi, Chittoor District.

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